

Appl. No. 10/018,018
Amdt. Dated February 25, 2004
Reply to Office action of August 25, 2005

REMARKS

Claims 14-25 are pending in the instant application. Claims 20-25 are objected to for depending from a cancelled claim. Claims 14-15, and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,819,728 to Kuhn. Claims 16-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kuhn in view of WO 97/25073 to Gunther. Claims 20, 21, and 25 have been amended to depend from a pending claim. None of the amendments constitute new matter in contravention of 35 U.S.C. §132. Reconsideration is respectfully requested.

Claims 20-25 are objected to for depending from a cancelled claim. Applicants respectfully submit that the objection has been obviated by the amendments to the claims making them depend from pending claim 14. Reconsideration and withdrawal of the objection are respectfully requested.

Claims 14-15, and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,819,728 to Kuhn. This rejection is respectfully traversed.

The present invention is directed to a method of visualizing a device within the vasculature of a patient. A blood pool contrast agent is administered into the vasculature through either the device itself or through direct injection into the vasculature. The signals arising from the contrast agent in the blood that surrounds a catheter are thus used to visualize the catheter on the MR image.

Kuhn (US 5,810,728) discloses a method to generate an MR image of a catheter in a patient's body, wherein the catheter is filled with a MR contrast agent, e.g. a blood pool contrast agent. The contrast medium stays in the catheter for the time which is needed to follow the way of the catheter through the patient's body by looking at the MR images generated. Once the catheter reaches its final position in the body, the contrast agent can be injected from the catheter into the surrounding vasculature, e.g. the coronary arteries which then can be MR imaged in the known manner (see col. 10, lines 29-33). Kuhn clearly states that signals arising from the blood surrounding the catheter, e.g. if this catheter is within an artery, are "undesirable" in that such contrast agent-containing blood will "imped[e] the automatic evaluation of the MR images so as to determine the position or the direction of the catheter tip" (see col. 4, lines 36-45).

Applicants respectfully submit that as Kuhn admittedly fails to image either the position or even the direction of the catheter tip when the contrast agent is thereabout, Kuhn clearly fails to enable the present invention. It is well understood that "[a] reference must enable someone to practice the invention in order to anticipate under 35 U.S.C. §102(b)". *Symbol Technologies v. Opticon Inc.*, 19 U.S.P.Q.2d 1241 (Fed. Cir. 1991). Kuhn is not enabling the present invention because Kuhn states that the contrast agent about the catheter makes the catheter more difficult to see, ie, it does not 'facilitate' catheter visualizaion as is presently claimed. Kuhn teaches that the catheter position may be determined while the contrast agent is still within the catheter, but not within the vasculature. Applicants respectfully submit that as Kuhn fails to enable the present invention, Kuhn cannot anticipate

Appl. No. 10/018,018
Amdt. Dated February 25, 2004
Reply to Office action of August 25, 2005

same under 35 U.S.C. §102(b). Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 16-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kuhn in view of WO 97/25073 to Gunther. This rejection is respectfully traversed.

Gunther discloses blood pool agents used for imaging.

Applicants respectfully submit that modifying the teaching of Kuhn by using the blood pool agents of Gunther still does not result in the method of the rejected claims. Such a modification would simply mean that one fills a catheter with the blood pool agents of Gunther and generated an MR image of said catheter according to the Kuhn. The method of the rejected claims does however comprise the administration of the blood pool agent into the vasculature of a patient having inserted a catheter in said vasculature and then generating an MR image of said catheter. Additionally, Kuhn teaches away from the present invention due to the Kuhn's recognition of the undesirable effect of having the contrast agent about the catheter and the resulting inability to evaluate the position or direction of the catheter tip. Kuhn looks to avoid using a contrast agent outside of the device for determining the position of the device. Therefore, as neither Kuhn nor Gunther, either alone or in combination, may be combined so as to disclose, teach, or suggest the present invention, Applicants respectfully submit that the present invention is patentably distinguishable therefrom. Reconsideration and withdrawal of the rejection are respectfully requested.

Appl. No. 10/018,018
Amdt. Dated February 25, 2004
Reply to Office action of August 25, 2005

In view of the amendments and remarks hereinabove, Applicants respectfully submit that the instant invention, including claims 14-25, are patentably distinct over the prior art. Favorable action thereon is respectfully requested.

Any questions with respect to the foregoing may be directed to Applicants' undersigned counsel at the telephone number below.

Respectfully submitted,



Robert F. Chisholm
Reg. No. 39,939

Amersham Health, Inc.
101 Carnegie Center
Princeton, NJ 08540
Phone (609) 514-6905